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Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

**USA SECURITIES' REPLY IN  
 SUPPORT OF ITS OBJECTION TO  
 CLAIM NUMBER 22**

**(Affects USA Securities, LLC)**

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☒ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Date: April 26, 2007  
 Time: 9:30 a.m.

1 USA Securities, LLC (“USA Securities”), by and through its counsel, hereby files its  
 2 Reply in Support of Objection to Claim No. 22 filed by Michael P. Mollo (“Mollo”) and hereby  
 3 states as follows:

4 1. USA Securities filed an Omnibus Objection to certain claims on March 8, 2007  
 5 (Docket No. 3021). Included in this objection was an objection to Claim No. 22 filed by Mollo as  
 6 a priority claim for “Wages, salaries, and compensation” in the amount of \$106.63 (the “Mollo  
 7 Claim”). The Mollo Claim was not supported by any evidence.

8 2. Mollo filed a response to the Omnibus Objection on March 19, 2007, in the form of  
 9 a letter to the Court (Docket No. 3177).<sup>1</sup>

10 3. In his response, Mollo claims that he was to receive a commission of “10% of the  
 11 commission paid to [four] outside brokers.” Mollo has not attached any evidence in support of his  
 12 assertion that he was to receive a commission and USA Securities does not concede he was  
 13 entitled to such.

14 4. The four brokers referenced in Mollo’s response are apparently four brokers listed  
 15 on the Creditor List USA Securities filed with its bankruptcy petition. Although originally listed  
 16 on the Creditor List, USA Securities did not schedule the claims of these four brokers and denies  
 17 that it owes them anything.

18 5. Because USA Securities does not owe these four brokers anything, it also does not  
 19 owe Mollo anything since any supposed commission would be derived from money owed to the  
 20 four brokers. Therefore, the Court should deny the Mollo Claim in its entirety.

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23  
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 26 <sup>1</sup> The response makes reference to case number 06-10725, which is the case number for the USA  
 27 Commercial Mortgage Company bankruptcy. It is clear from the contents of the letter, however, that Mollo  
 28 is responding to USA Securities’ Omnibus Objection. A separate response was filed with the Court on  
 April 4, 2007 (Docket No. 3337), which appears on the Court’s docket also as a response to USA  
 Securities’ Omnibus Objection. It is clear from the contents of that letter, however, that it is Mollo’s  
 response to the objection filed by USACM to his claim in that case.

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CONCLUSION

For the reasons discussed above and in its Omnibus Objection, USA Securities denies that it is liable on account of the Mollo Claim and requests that the Court disallow the claim in its entirety. USA Securities also requests such other and further relief as is just and proper.

Respectfully submitted this 19th day of April, 2007.

/s/ Jeanette E. McPherson

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**CERTIFICATE OF SERVICE**

1. On April 19, 2007 I served the following document(s):

a. USA Securities' Reply In Support of Its Objection to Claim Number 22

2. I served the above-named document(s) by the following means to the persons as listed below:

☐ a. **By ECF System:**

☒ b. **By United States mail, postage fully prepaid:**

Michael P. Mollo  
316 S. Broadway #B  
Redondo Beach, CA 90277-3709

☐ c. **By Personal Service**

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed on: April 19, 2007

LIA DORSEY  
(Name of Declarant)

/s/ LIA DORSEY  
(Signature of Declarant)